| 1 2 3 4 5 | Neil A. Goteiner (State Bar No. 083524) Dennis M. Cusack (State Bar No. 124988) Carly O. Alameda (State Bar No. 244424) Farella Braun & Martel LLP 235 Montgomery Street, 17th Floor San Francisco, CA 94104 Telephone: (415) 954-4400 Facsimile: (415) 954-4480 E-mail: ngoteiner@fbm.com, dcusack@fbm.calameda@fbm.com | .com, | |
|---------------------------|--|---|--|
| 6 7 | Attorneys for Plaintiff COUPONS, INC. | | |
| 8 | UNITED STATES DISTRICT COURT | | |
| 9 | NORTHERN DISTRICT OF CALIFORNIA | | |
| 10 | SAN JOSE DIVISION | | |
| 11 | | | |
| 12 | COUPONS, INC., | Case No. 5:07-CV-03457 HRL | |
| 13 | Plaintiff, | STIPULATION AND [PROPOSED] ORDER TO EXTEND DEADLINE FOR | |
| 14 | vs. | CONDUCTING EARLY NEUTRAL EVALUATION | |
| 15 | JOHN STOTTLEMIRE, and DOES 1-10, | EVALUATION | |
| 16 | Defendants. | [N.D. ADR Local Rule 5-5] | |
| 17 | | | |
| 18 | Plaintiff Coupons, Inc. and Defendant John Stottlemire hereby submit this Stipulation to | | |
| 19 | extend the deadline for conducting the Early Neutral Evaluation ("ENE") session. | | |
| 20 | WHEREAS, Judge Lloyd previously extended the deadline to conduct the ENE session | | |
| 21 | from May 6, 2008 to June 30, 2008, then to July 18, 2008, and then to August 22, 2008; | | |
| 22 | WHEREAS, the prior extensions were sought in order to accommodate the briefing | | |
| 23 | schedule and to await the decision on the motion to dismiss; | | |
| 24 | WHEREAS, the parties participated in a phone call with appointed evaluator Harold | | |
| 25 | McElhinny on July 25, 2008 in order to schedule the ENE session; | | |
| 26 | WHEREAS, Mr. McElhinny informed the parties he would be out of the state at trial from | | |
| 27 | August 2 to August 23; | | |
| 28 | | | |
| rtel LLP t, 17th Floor | STIP AND [PROPOSED] ORDER TO EXTEND | | |

| 1 | WHEREAS, the parties and Mr. McElhinny mutually agreed to conduct the ENE session | | |
|----|--|--|--|
| 2 | on September 8, pending an order from the Court extending the ENE deadline; | | |
| 3 | WHEREAS, Mr. Stottlemire subsequently requested, and Coupons has agreed, to | | |
| 4 | postpone the ENE by at least a week to accommodate Mr. Stottlemire's schedule; and | | |
| 5 | WHEREAS, the parties will confer with Mr. McElhinney to set a mutually convenient | | |
| 6 | time for the ENE. | | |
| 7 | IT IS HEREBY STIPULATED by and between the parties hereto that the deadline for | | |
| 8 | conducting the ENE session will be extended to October 31, 2008. | | |
| 9 | Dated: August 20, 2008 FARELLA BRAUN & MARTEL LLP | | |
| 10 | | | |
| 11 | By: /s/ Dennis M. Cusack | | |
| 12 | | | |
| 13 | Attorneys for Plaintiff COUPONS, INC. | | |
| 14 | Dated: August 20, 2008 | | |
| 15 | | | |
| 16 | By: <u>/s/</u> John Stottlemire | | |
| 17 | Defendant, pro se | | |
| 18 | | | |
| 19 | <u>ORDER</u> | | |
| 20 | Good cause appearing therefor, IT IS HEREBY ORDERED that the deadline for | | |
| 21 | conducting the ENE session will be extended to October 31, 2008. | | |
| 22 | | | |
| 23 | DATED: | | |
| 24 | The Honorable Howard R. Lloyd Judge of the United States District Court | | |
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| I, the undersigned, declare that I am a resident of the State of California, employed County of San Francisco, over the age of eighteen years and not a party to the within actio business address is: Farella Braun + Martel LLP, 235 Montgomery Street, 17 th Floor, San Francisco, California 94104. On this date I served the within document(s): STIPULATION AND [PROPOSED] ORDER TO EXTEND DEADLINE FOR CONDUCTING EARLY NEUTRAL EVALUATION BY ELECTRONIC FILING: the within document(s), the automatically generate notification for which constitutes service pursuant to General Order 45, Section IX(A) and John Stottlemire John Stottlemire Harold J. McElhinny Morrison & Foerster Fremont, CA 94555 Harold Street Fremont, CA 94555 A25 Market Street San Francisco, CA 94105 | | |
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| STIPULATION AND [PROPOSED] ORDER TO EXTEND DEADLINE FOR CONDUCTING EARLY NEUTRAL EVALUATION **EXAMPLE OF CONDUCTING EARLY NEUTRAL EVALUATION** **INDICATE OF CONDUCTION EARLY NEUTRAL EVALUATION** **INDICATE OF CONDUCTION EARLY NEUTRAL EVALUATION** **EXAMPLE OF CONDUCTION EARLY NEUTRAL EVALUATION** **INDICATE OF CONDUCTION EARLY NEUTRAL EXAMPLE OF CONDUCTION EARLY NEUTRAL E | | |
| CONDUCTING EARLY NEUTRAL EVALUATION X | | |
| X BY ELECTRONIC FILING: the within document(s), the automatically generated notification for which constitutes service pursuant to General Order 45, Section IX(A) and John Stottlemire | 2 | |
| notification for which constitutes service pursuant to General Order 45, Section IX(A) and John Stottlemire Harold J. McElhinny Morrison & Foerster Fremont, CA 94555 Harold J. McElhinny Morrison & Foerster 425 Market Street | | |
| 10 Stottlemire Harold J. McElhinny 33103 Lake Garrison Street Morrison & Foerster Fremont, CA 94555 425 Market Street | | |
| Fremont, CA 94555 425 Market Street | | |
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| I declare that I am employed in the office of a member of the bar of this court at who | | |
| direction the service was made. | | |
| I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed in San Francisco, California on August 20, 2008 . | | |
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| 17 Lawrence L. Coles | | |
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